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February 15, 2023

Via ECF

Hon. Gary R. Brown, USDJ
United States District Court
Eastern District of New York
100 Federal Plaza, Courtroom 940
Central Islip, NY 11722-9014

Merchants Bank of Indiana v. Sprout Mortgage, LLC
2:22-cv-04480-GRB-SIL

Dear Judge Brown:

This firm represents defendant, Sprout Mortgage, LLC, in the above-referenced matter. On defendant's behalf, we respectfully write to request a clarification regarding the calendar given the matter's inclusion in the Court's mediation program.

On February 10, 2023, defendant filed a letter requesting inclusion in the Court's mediation program pursuant to EDNY Local Civil Rule 83.8 (Docket No. 25). On February 13, 2023, your Honor ordered this matter referred to mediation and cancelled the premotion conference for plaintiff's first summary judgment motion scheduled for February 17, 2023, subject to future renewal.

Also on February 10, 2023, plaintiff filed a letter application seeking a premotion conference for a second motion for summary judgment, to dismiss defendant's counterclaim (Docket No. 27). Pursuant to this Court's rules, defendant's response to this second premotion letter and second Rule 56.1 statement would be due fifteen days therefrom (February 27, 2023).

In light of this Court's referral to mediation and cancellation of the first premotion conference, defendant respectfully seeks clarification as to whether the Court wishes the defendant to proceed with responding to the plaintiff's second letter application for a premotion conference or whether this Court intends for said second premotion letter application to be put over subject to future renewal pending the mediation.

Thank you for your attention to this matter.

Respectfully submitted,

/s/

Forchelli Deegan Terrana LLP

By: Nathan R. Jones

cc: counsel for plaintiff (*via ECF*)